

Notice of Allowability

Application No.

09/638,089

Examiner

Vanel Frenel

Applicant(s)

MURPHY, DANNY

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 8/10/05.
2. ☒ The allowed claim(s) is/are 97-141.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

Notice to Applicant

1. This communication is in response to the 8/10/07. Claims 97-141 are pending.

Allowable Subject Matter

2. Claims 97-141 are allowed. The following is an examiner's statement of reasons for allowance in light of Applicant's arguments.

Claim 97 is directed to "an opt-in database containing user email addresses for registered users who have chosen to receive emails containing music and entertainment information, the music and entertainment information including information regarding new releases and concert schedules; a radio station database containing information regarding a plurality of radio stations, each radio station having an associated zip code and radio format, the radio station database information regarding each radio station's associated zip code and radio format; a song information database containing information identifying songs and albums each song having an associated song status and song genre format, each album including an associated album status and album genre format, the song information database including information identifying the song status and song genre format for each song and the album status and album genre format for each album, the song information database including consumer preference information from registered users for the songs and albums included in the song information database; and a processor adapted to cause the computer system to allow a non-registered user to register as a registered user of

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the computer system, to allow registered users included in the user database to input consumer preference information regarding the songs and albums included in the song information database, to allow registered users included in the user database to recover lost user passwords from the computer system, to allow subscribing clients to search the consumer preference information stored in the song information database based on predetermined search parameters, and to allow subscribing clients to generate reports using the consumer preference information stored in the song information database based on predetermined reporting parameters".

The closest prior art of record, Kelly (5,913,204) discloses method and apparatus for surveying music listener opinion about songs.

Cook et al. (6,338,044) discloses personal digital content system.

However, none of the cited prior art discloses above nor fairly teaches /suggests "an opt-in database containing user email addresses for registered users who have chosen to receive emails containing music and entertainment information, the music and entertainment information including information regarding new releases and concert schedules; a radio station database containing information regarding a plurality of radio stations, each radio station having an associated zip code and radio format, the radio station database information regarding each radio station's associated zip code and radio format; a song information database containing information identifying songs and albums each song having an associated song status and song genre format, each album including an associated album status and album genre format, the song information database including information identifying the song status and song genre

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format for each song and the album status and album genre format for each album, the song information database including consumer preference information from registered users for the songs and albums included in the song information database; and a processor adapted to cause the computer system to allow a non-registered user to register as a registered user of the computer system, to allow registered users included in the user database to input consumer preference information regarding the songs and albums included in the song information database, to allow registered users included in the user database to recover lost user passwords from the computer system, to allow subscribing clients to search the consumer preference information stored in the song information database based on predetermined search parameters, and to allow subscribing clients to generate reports using the consumer preference information stored in the song information database based on predetermined reporting parameters”.

Claims 98-141 incorporate the feature of claim 97 through its dependency, and are also allowed for the same reasons given above.

EXAMINER'S AMENDMENT

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Attorney Wayne Beavers (Reg. No. 28,183) on 7/3/07. During the interview, Attorney agrees to do the followings:

In claim 97, line 26 "a software program" was changed to -a processor-.

In claim 98, lines 1 and 4 "the software program" was changed to -the processor-

In claim 100, line 3 "the software program" was changed to -the processor-.

In claim 102, line 9 "the software program" was changed to -the processor-.

In claim 103, line 1 "the software program" was changed to -the processor-.

In claim 105, lines 13 and 19 "the software program" was changed to -the processor-.

In claim 107, line 8 "the software program" was changed to -the processor-.

In claim 114, line 19 "the software program" was changed to -the processor-.

In claim 115, line 6 "the software program" was changed to -the processor-.

In claim 116, line 18 "the software program" was changed to -the processor-.

In claim 117, line 2 "the software program" was changed to -the processor-.

In claim 118, line 8 "the software program" was changed to -the processor-.

In claim 119, line 17 "the software program" was changed to -the processor-.

In claim 120, line 3 "the software program" was changed to -the processor-.

In claim 126, line 11 "the software program" was changed to -the processor-.

In claim 128, line 4 "the software program" was changed to -the processor-.

In claim 129, line 18 "the software program" was changed to -the processor-.

In claim 130, lines 2 and 6 "the software program" was changed to -the processor-.

In claim 131, line 11 and 14 "the software program" was changed to -the processor-.

In claim 133, line 18 "the software program" was changed to -the processor-.

In claim 141, line 19 "the software program" was changed to -the processor-.

No further questions were discussed.

4. A search has been conducted for a foreign prior art, however, none has been found.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vanel Frenel whose telephone number is 571-272-6769. The examiner can normally be reached on 6:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zeender Ryan Florian can be reached on 571-272-6790. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

V.F.
V.F

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July 5, 2007

 7/9/07
F. RYAN ZEENDER
SUPERVISORY PATENT EXAMINER